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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,087	12/12/2001	Werner Pochmuller	10191/2132	8281

26646 7590 03/19/2004

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EXAMINER

MENGISTU, AMARE

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,087

Applicant(s)

POCHMULLER ET AL.

Examiner

Amare Mengistu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Siege et al**, (5,752,177) in view of **Dethloff et al** (4,250,560) and **Nakamura** (5,923,817).

As to claim 1,12-16 **Siege et al**, (hereinafter **Siege**) discloses a device for receiving data via digital radio signals in a motor vehicle, comprising: a radio receiver for receiving data (fig.1 (11), col.2, lines 58-64); a memory (fig.1 (21)); a display for displaying a processed data (fig.1 (17,22)). **Siege** did not expressly disclose a processor and input device. However, It would have been obvious to one skill in the art at the time of the invention was made to have recognized that the display of **Siege** has to have a processor in order to decode the signals and display the information (see, col.2, lines 58-61). It is also well known for **Siege's** input device to be an infrared transceiver.

The patent of **Dethloff et al** (hereinafter **Dethloff**) is cited to teach that it is well know for an electronic control unit to have an input device and a processor (figs. 1 and 2 (4)) and data can be play back or retrieving stored information at any time by using input device (see, col. 4, last 2 lines; col.5, lines 13-21; col.8, lines 65- col.9, lines 7).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to incorporate the data play back (data retrieving) system of **Dethloff** into the device of **Siege**; because this will allow the user for a quick retrieval of a data by means of a single retrieving proves, and thus also to have the possibility of simply feeding the data without having to overcome storage problem.

Siege modified by **Dethloff** teach that data can be play back or retrieving stored information at any time by using input device, but failed to suggest data play back from a memory during a device failure.

Nakamura clearly teaches that when one of the servers has failed, one of a video data will be played back from the plurality of storage system (see, col.3, liens 1-18) during one of the server's [service] failure.

Therefore it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to in cooperate **Nakamura's** method of data recovery during a device malfunction into the system of **Siege**, because this will allow the user to provide information even during a failure of the system or device.

2. Claims 2-5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Siege** in view of **Dethloff and Nakamura** as applied to claim 1 above, and further in view of **Guenther et al** (5,086,510).

As to claims 2-5, and 11, **Siege** as modified by **Dethloff et al and Nakamura** discloses an input device (fig.1 (4)) but did not explicitly disclose the type of input

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devices. **Guenther et al** (hereinafter **Guenther**) teaches that it is conventional for a vehicle to have different types of input devices; for example: a pushbutton (fig.1 (21,31); fig.4 (21-24)); a remote control (fig.6); a microphone (fig.1 (15)); selection option (col.6, lines 56-61). **Guenther** did not specifically state that the push button causes various states of the device after operation for different periods of time. It is obvious that **Guenther's** push button would causes various states when selecting one of the equipments to operate at a different periods of time (see, col.6, lines 56-61).

3. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Siege et al**, in view of **Dethloff et al**, **Nakamura** and **Guenther** .as applied to claims 1 and 5 above, and further in view of **Goodman** (4,342,095).

As to claims 6-10, **Siege** as modified by **Dethloff**, **Nakamura** and **Guenther** disclose display selection option (see, col.6, lines 56-61), but have failed to teach the selection option includes resume, return and restart options. **Goodman** suggests that in a computer display system it is well known to select data by having resume, return or restart options (see, col.9, lines 44- col.10, lines 9). It is obvious these selection options are done through a software or hardware (see, col.2, lines 60- col.3, lines 7).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have used the selection option method of **Goodman** into the system of **Siege**, since this will provide flexibility for the user to manipulate the data as preferred at any time.

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Response to Arguments

4. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Mengistu whose telephone number is (703) 305-4880. The examiner can normally be reached on M-F, T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703) 305-4938. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.


Amare Mengistu
Primary Examiner
Art Unit 2673

A.M

~~Sep. 30, 2003~~

March 4, 2004